

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:09-00271

CLARK A. DIEHL

MOTION TO UNSEAL

Comes now the United States of America by Jack Smith, Chief, Public Integrity Section, Criminal Division, U.S. Department of Justice, Hunter P. Smith Jr., Assistant United States Attorney for the Southern District of West Virginia, and Maria N. Lerner, Trial Attorney, Public Integrity Section, and moves the Court to order that the motion filed under seal by the United States on May 13, 2010, (Attachment 1 to Docket Entry 21) be unsealed.

In support of this motion, the United States submits that this matter is set down for sentencing on August 8, 2011, and that the reasons for sealing the motion no longer exist.

Respectfully submitted,

JACK SMITH  
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Public Integrity Section  
Criminal Division  
U.S. Department of Justice  
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s/Hunter P. Smith Jr.

HUNTER P. SMITH JR.

West Virginia State Bar Number 3467

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Trial Attorney

Public Integrity Section

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U.S. Department of Justice

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "Motion to Unseal" has been electronically filed and service has been made on opposing counsel by virtue of the U.S. Mail on this the 21<sup>st</sup> day of July, 2011, to:

Benjamin L. Bailey, Esquire  
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s/Hunter P. Smith Jr.  
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